

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
OFFICE OF THE CLERK**

1100 East Main Street, Suite 501

Richmond, Virginia 23219-3517

www.ca4.uscourts.gov

Patricia S. Connor
Clerk

Telephone
804-916-2700

April 21, 2016

TRANSCRIPT ORDER ACKNOWLEDGMENT

No. 16-1383 (L), Gwendolyn Smalls v. James Binner
4:15-cv-00017-JLK-RSB

This acknowledgment establishes a deadline for filing all transcript ordered from this court reporter, as follows:

Court Reporter: Carol Jacobs

Current Deadline: 06/27/2016

Proceedings: Summary Judgment Hearing 2/2/16

Ordering Party(ies): Chief of Police James W. Binner, Dep. Chief of Police Brian K. Lovelace, Town of South Boston, Corporal, Tiffany Bratton, Officer Clifton Mann, Officer Travis Clay

The above-referenced transcript has been ordered for use on appeal.

Counsel may request the transcript in either electronic or paper form. In multi-defendant CJA cases, electronic or paper copies of necessary transcript prepared for one defendant must be provided to co-defendants by the court reporter, co-counsel, or the district court clerk. Payment for transcript copies is claimed on a [CJA 24 voucher](#) and is limited to commercially competitive rates not to exceed \$.15 per page. For assistance in obtaining electronic copies of the transcript, see [Record Access for New Appellate Counsel](#) or contact the Fourth Circuit appointments deputy, Lisa McFarland.

Seven days have been added to the court reporter deadlines to permit appropriate

financial arrangements to be completed. If the district court has not yet acted on a request for transcript under the Criminal Justice Act, counsel should confirm that the CJA 24 application has been filed with the district court for approval by the judge.

If the transcript order is deficient or the CJA 24 application is not approved within 7 days of this acknowledgment, the court reporter must complete and file a [Transcript Order Deficiency Notice](#) with this court within 14 days of this acknowledgment. If the court reporter has grounds for an extension of time, a request for extension may be sought using the [Transcript Extension Request](#) form.

This court is notified of the filing of the **Appeal Transcript** in the district court through the district court's CM/ECF system. If the transcript is not filed by the due date, a transcript sanction takes effect, as provided in the [Guidelines for Preparation of Appellate Transcripts in the Fourth Circuit](#). If a transcript sanction is in effect, the court reporter must file a [Certification of filing of transcript/sanctions form](#) with this court at the time the transcript is filed with the district court, certifying that the appropriate sanction has been deducted from the transcript fee. Court forms are available for completion as links from this notice and at the court's web site, www.ca4.uscourts.gov.

Anisha Walker, Deputy Clerk
804-916-2704

**UNITED STATES COURT OF APPEALS
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TRANSCRIPT ORDER DEFICIENCY NOTICE

No. 16-1383 (L), Gwendolyn Smalls v. James Binner

4:15-cv-00017-JLK-RSB

To permit confirmation of financial arrangements, including approval by the district court of the CJA 24 form, 7 days have been added to the period established by the transcript guidelines for filing of appellate transcript. If financial arrangements are not confirmed within 7 days or if there are other problems with the transcript order, the court reporter should, within 14 days of issuance of the transcript order acknowledgment, file a transcript order deficiency notice with the Court of Appeals identifying the problem. Copies of the deficiency notice will be sent via CM/ECF to the parties and the district court.

- ☐ **Transcript has previously been filed with district court. (specify)**
- ☐ **Counsel has not submitted the CJA 24 application to the district court clerk for approval.**
- ☐ **CJA 24 application was not approved within 7 days of issuance of Transcript Order Acknowledgment.**
- ☐ **Not all requests on CJA 24 application were granted by district court. (specify)**
- ☐ **Motion for transcript at government expense has not been granted (28 U.S.C. § 753(f)).**
- ☐ **Satisfactory financial arrangements have not been made. (specify)**
- ☐ **Transcript order is unclear. (specify)**
- ☐ **Other (specify):**

Relief Requested:

☐ Rescission of filing deadline

☐ Extension of filing deadline to _____

Court Reporter:

Signature:

Date:

**UNITED STATES COURT OF APPEALS
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TRANSCRIPT EXTENSION REQUEST

No. 16-1383 (L), Gwendolyn Smalls v. James Binner

4:15-cv-00017-JLK-RSB

If an extension of time is needed to complete the transcript, the court reporter may file a Transcript Extension Request with the Court of Appeals at least 10 days in advance of the deadline, setting forth specific information in support of the request. Copies of the request shall be served on the parties to the case and the district court Reporter Coordinator. The granting of an extension also constitutes a waiver of sanctions through the date of the extension.

Court Reporter: Carol Jacobs

Current Deadline: 06/27/2016

Extension Requested to:

As of this date, approximately pages have been completed and pages are yet to be transcribed. Justification is as follows:

- 1. Outstanding District Court transcripts ordered within 90 days of this request: Any pending appellate transcripts will be taken into consideration in deciding this request.**
- 2. In-Court Time: (give total days/hours by month)**
- 3. Travel: (give hours spent traveling to and from Court by month)**
- 4. Other: (please provide information you would like the Court to consider when reviewing your request. Please be aware that this information will be posted on the public docket.)**

Signature:

Date:

FOURTH CIRCUIT TRANSCRIPT ORDER FORM

Case Style Gwendolyn Smalls v. Chief of Police, James W. Binner, et als.Dist. Ct. No. 4:15cv00017 District Western District of VirginiaDate Notice of Appeal filed 04/06/2016 Court of Appeals No. 16-1383 and 16-1385Name of Court Reporter/Electronic Rec. (use separate form for each reporter) Carol JacobsAddress of Reporter 1101 Court Street, Lynchburg, Virginia 24504

Appellant must order any necessary transcript within 14 days of noting the appeal by completing a separate transcript order form for each reporter, submitting the orders to the court reporters and the district court, and attaching copies to the docketing statement filed in the court of appeals. The completed order form must show that necessary financial arrangements have been made. In CJA cases, either the CJA 24 fillable PDF form or a printed copy of the AUTH-24 request submitted in the district court eVoucher system must be attached to the transcript order forms submitted to the court reporter, district court, and court of appeals. In addition, counsel must comply with any instructions issued by the district court regarding submission of an AUTH-24 request in the district court eVoucher system.

In sentencing appeals, a transcript of the sentencing hearing must be ordered. In Anders appeals, plea (or trial) and sentencing transcript must be ordered, along with any necessary hearing transcripts (e.g., suppression hearings). In multi-defendant cases involving CJA defendants, only one original trial transcript should be purchased from the court reporter on behalf of CJA defendants, and copies should thereafter be made at commercially competitive rates not to exceed \$.15 per page.

If appellee finds other parts of the proceedings necessary, appellee must designate the additional parts within 14 days after service of the transcript order. If appellant has not ordered the additional parts within 14 days, appellee may, within the following 14 days, order the additional parts or move in the district court for an order requiring appellant to do so.

Counsel must review transcript and notify the district court of any intention to direct redaction of personal data identifiers within 7 days of filing of the transcript, and thereafter submit a statement of redactions to the court reporter within 21 days of filing of the transcript, as required by the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Counsel should obtain full-size transcript from the court reporter, since condensed transcript may not be used in the appendix. Counsel should verify that the witness name and type of examination appear in the top margin of each page of testimony, as required for inclusion in the appendix on appeal. Local Rule 30(b).

- A. This constitutes an order of the transcript of the following proceedings. Check appropriate box(es), provide date of hearing, and indicate total number of estimated pages. Specific CJA authorization is required for opening and closing statements, voir dire, and instructions.

PROCEEDING**HEARING DATE(S)**

- ☐ Voir Dire
☐ Opening Statement (Plaintiff)
☐ Opening Statement (Defendant)
☐ Closing Argument (Plaintiff)
☐ Closing Argument (Defendant)
☐ Opinion of Court
☐ Jury Instructions
☐ Sentencing
☐ Bail Hearing
☐ Pre-Trial Proceedings (specify)
☐ Testimony (specify)
☒ Other (specify)

Summary JudgmentTOTAL ESTIMATED PAGES unknown

- B. I certify that I have contacted the court reporter (or court reporter coordinator if electronic recording) and satisfactory financial arrangements for payment of the transcript have been made.
- ☒ Private funds. (Deposit of \$ n/a enclosed with court reporter's copy. Check No. n/a.)
- ☐ CJA (district court not on eVoucher). Original CJA 24 form submitted to district court and a copy is attached.
- ☐ CJA (district court on eVoucher). CJA 24 form or AUTH-24 request attached; district court eVoucher instructions followed.
- ☐ Government expense (civil case--IFP). Motion for transcript at government expense is pending with district judge.
- ☐ Advance payment waived by court reporter. Payment in full is due upon receipt of transcript.
- ☐ Federal Public Defender - no CJA 24 Form necessary.
- ☐ United States appeal - copy of litigation expense form attached, if applicable.

- C. Transcript is requested in ☐ paper format ☒ electronic format

Signature Michael A. NicholasTyped Name Michael A. NicholasAddress Daniel, Medley & Kirby, PC, 110 N. Union St., P O Box 720, Danville, VA 24543-0720Email mnicholas@dmklawfirm.comTelephone No. 434-792-3911Date Sent to Reporter 04/18/16